

ED - 802

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-33 (Sub No. 255)

February 21, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

() Notice of Exemption (X) Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on January 15, 2007, for public review and comment. In the EA, SEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received six comments after issuance of the EA.

1. In a letter dated January 24, 2008, Mr. Jim Ische, Carver County Regional Railroad Authority, on behalf of The Minnesota River Valley Rail Preservation Project, requests that a Public Use Condition and Interim Trail Use Condition for the rail line proposed for abandonment.
2. In a letter dated January 24, 2008, Leonard, Street, and Deinard, on behalf of United Sugar Corporation, filed a Protest. No environmental issues were identified.
3. On January 25, 2008, a Protest was filed on behalf of the United Transportation Union. No environmental issues were identified.
4. In a letter dated January 25, 2008, Mr. Dale Homuth, Regional Hydrologist, Minnesota Department of Natural Resources, states that because the bridge located at milepost 36.17 crosses the Minnesota River, abandonment would require approval from their office. Furthermore, Mr. Homuth states that the bridge is in a state of deterioration and has historically been the site of logjams for which UP maintains responsibility. Therefore, Mr. Homuth believes that UP must

maintain responsibility for the bridge's removal/maintenance and removal of logjams.

5. In a letter dated January 26, 2008, UP requests that the Board grant an extension of time to allow it to file replies to the protests received. No environmental issues were identified.
6. In a letter dated February 14, 2008, Mr. Roger Gustafson, on behalf of the Carver County Regional Railroad Authority, Scott County Regional Railroad Authority, Metropolitan Council, City of Chaska, and City of Carver (collectively known as the Minnesota River Valley Rail Joint Powers Agreement) filed a letter highlighting several scenarios in which the proposed abandonment could harm the City's levee system. Specifically, Mr. Gustafson raises several issues regarding the bridge located at milepost 36.17 and its potential to harm Carver County due to salvage operations weakening the levee system or flooding created by logjams. Mr. Gustafson states that UP should consult with the Army Corps of Engineers, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources.

In the EA, SEA references letters from the Ms. Patricia Martinkovic, Manager, Minnesota Valley National Wildlife Refuge and Mr. Tony Sullins, Field Supervisor, Twin Cities Ecological Field Office, U.S. Fish and Wildlife Service. In addition, SEA as part of its responsibilities, identified the following additional agencies to receive a copy of the EA: 1) U.S. Army Corps of Engineers, St. Paul District; 2) U.S. Environmental Protection Agency, Region 5; Minnesota Pollution Control Agency, Stormwater Program; and 3) Minnesota Department of Natural Resources, South Minnesota Regional Office. SEA notes that comments were only received from the Minnesota Department of Natural Resources.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the following three new environmental conditions be imposed upon any decision granting abandonment authority. The condition is:

1. **The Union Pacific Railroad Company shall, prior to commencement of any salvage activities, consult with the United States Army Corps of Engineers, St. Paul District (Corps), regarding the Carver County's levee system and, if applicable, shall comply with the reasonable requirements of the Corps.**
2. **The Union Pacific Railroad Company shall, prior to commencement of salvage activities, contact Mr. Dale Homuth, Regional Hydrologist, Minnesota Department of Natural Resources (MN-DNR) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the MN-DNR.**

- 3. The Union Pacific Railroad Company shall, prior to commencement of salvage activities, contact the Minnesota River Valley Rail Joint Powers Agreement in order to discuss local potential safety concerns regarding the bridge located at milepost 36.17.**

If the above condition is imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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